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In re Application of  
Kent, et al.  
Application No. 09/814,508  
Filed: March 22, 2001  
Attorney Docket No. DP-303704

OFFICE OF PETITIONS

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) filed June 6, 2002, which will be treated as a petition under 37 CFR 1.181(a) to withdraw the holding of abandonment.

The petition under 37 CFR 1.181(a) is GRANTED.

The petition under 37 CFR 1.137(b) is MOOT.

This application was held abandoned on March 19, 2001, because it was believed that the no response was received to the Notice of Allowance and Issue Fee Due mailed December 18, 2001, which set a statutory period for reply of three months. Petitioner was advised of the above-cited application's abandonment by a Notice of Abandonment mailed May 9, 2002.

Petitioner maintains that the Notice of Allowance and Issue Fee Due was never received. As proof of the same, petitioner provided a copy of the relevant docketing record and indicated that the review of the applicant's records did not reveal the Notice of Allowance and Issue Fee Due. Based on the facts as stated in the instant petition, and the corroborative evidence provided, it is concluded that the holding of abandonment was improperly imposed; the holding of abandonment is, therefore, withdrawn as of the mailing date of this decision. There is no fee associated with the petition to withdraw the holding of abandonment.

Because the holding of abandonment is withdrawn with mailing of this decision, the petition under 37 CFR 1.137(b) is rendered moot.

The application is being forward to Technology Center 3700 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 305-0010.

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